

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rio Brazos

MOTION TO SET ASIDE ENTRY OF DEFAULT

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and pursuant to Fed. R. Civ. P. 55(c) respectfully requests the Court to set aside the entry of default for the following defendants in the Rio Brazos subsection of Section 7:

Theresa Valdez	CHRB-003-0010
Manuel F. Valdez	CHRB-003-0010
Gloria C. Valdez	CHRB-003-0010
Joe Pino	CHRB-003-0024
Juanita Pino	CHRB-003-0024
Theodore Gonzales	CHRB-004-0005
Maria Elena Gomez	CHRB-004-0005
Albert M. Martinez	CHRB-004-0020
Gloria Martinez	CHRB-004-0020
Orlando Martinez	CHRB-004-0021

Socorro Martinez	CHRB-004-0021
Rebecca Martinez	CHRB-004-0025
Luis E. Martinez	CHRB-004-0025
George A. Valdez	CHRB-004-0027
Olivia M. Valdez	CHRB-004-0027
Esteban D. Martinez	CHRB-004-0035
Margaret M. Valerio	CHRB-004-0036
Raymond L. Martinez	CHRB-004-0037
Rose Martinez	CHRB-004-0037
Louisa Martinez	CHRB-004-0053
Dorothy Wardlow	CHRB-004-0057
T. J. Wardlow	CHRB-004-0057
Michael C. Ulibarri	CHRB-007-0017
Fernando Salazar	CHRB-007-0025
Margaret Abeyta	CHRB-007-0044
Frances D. Garcia	CHRB-007-0048
Joe E. Martinez	CHRB-007-0051
Polly Martinez	CHRB-007-0051
Gilbert A. Martinez, Jr.	CHRB-007-0055
Russell Casados	CHRB-008-0006 CHRB-008-0004B
Mary Alice Casados	CHRB-008-0004B

Emmanuelita “Amie” Casados CHRB-008-0007

Juan F. Manzanares CHRB-009-0004

Joann L. Manzanares CHRB-009-0004

Manuel D. Tafoya, Jr. CHRB-009-0010

Maria Varela CHRB-009-0022

As grounds therefore Plaintiff states:

1. The Clerk’s Certificate of Default with respect to the above-named defendants was entered on January 18, 2005 (Docket No. 7713).

2. The above-named defendants have recently contacted the State to discuss the State’s offer concerning their water rights in Section 7. They have signed the State’s proposed Consent Order and forwarded the approved order to the State, or have requested that the State send them an additional copy of the proposed order to review.

3. Good cause exists to set aside the entry of default with respect to the defendants named above.

WHEREFORE, the Plaintiff State of New Mexico *ex rel.* State Engineer requests the Court to set aside the entry of default for defendants Theresa Valdez, Manuel F. Valdez, Gloria C. Valdez, Joe Pino, Juanita Pino, Theodore Gonzales, Maria Elena Gomez, Albert M. Martinez, Gloria Martinez, Orlando Martinez, Socorro Martinez, Rebecca Martinez, Luis E. Martinez, George A. Valdez, Olivia M. Valdez, Esteban D. Martinez, Margaret M. Valerio, Raymond L. Martinez, Rose Martinez, Louisa Martinez, Dorothy Wardlow, T. J. Wardlow, Michael C. Ulibarri, Fernando Salazar, Margaret Abeyta, Frances D. Garcia, Joe E. Martinez, Polly Martinez, Gilbert A. Martinez Jr., Russell Casados, Mary Alice Casados, Emmanuelita “Amie”Casados, Juan F. Manzanares, Joann L. Manzanares, Manuel D.

Tafoya, Jr., and Maria Varela.

DATED: April 8, 2005

Respectfully submitted,

/s/ Ed Newville
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CERTIFICATE OF SERVICE

I hereby certify that copies of the above Motion to Set Aside Entry of Default were mailed to following persons on April 11, 2005.

/s/ Ed Newville
Edward G. Newville

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